

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 052065

FOR MATLOCK FROM GARRISON

E.O. 11652: GDS

TAGS: OGEN

SUBJECT: OFFICIAL-INFORMAL

1. SOVIET CONCERN OVER IMMUNITIES LEGISLATION: WE WILL
SEND YOU A FRONT CHANNEL RESPONSE TO MOSCOW 2738 SOON, BUT
WE WANTED TO GIVE YOU SOME INTERIM INFORMATION. THE LEGIS-
LATION IS BEING CONSIDERED BY VARIOUS SENATE COMMITTEES,
AND WE STILL EXPECT ENACTMENT IN THE SPRING. WE ARE TRYING
TO AMEND THE FINAL UORDS IN SECTION 5 TO SET UP A SITUATION
WHEREBY THE DEPARTMENT WOULD NORMALLY (AT LEAST IN CASES
INVOLVING SOVIETS) FILE THE MOTIONS FOR DISMISSAL OF ACTIONS.
WE CANNOT GIVE A DEFINITIVE REPLY RIGHT NOW TO THE QUESTION
OF THE LEGISLATION'S EFFECT ON THE 1967/68 EXCHANGE OF
NOTES. THE DEPARTMENT'S LAWYERS DIFFER ON THIS. WE DO NOT
WANT TO GIVE THE SOVIETS A FORMAL ANSWER TO THAT QUESTION
AND THEN HAVE TO RETRACT IT. SECTION 4 STILL PROVIDES FOR
BILATERAL AGREEMENTS, AND WE EXPECT IT TO BE IN THE FINAL
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LAW. AFTER ENACTMENT, WE MAY WANT TO NEGOTIATE A NEW EX-
CHANGE WITH THE SOVIETS IN ANY EVENT TO REMOVE ANY POSSIBLE
DOUBT. THE ONLY INHIBITION RAISED SO FAR IS SOME RELUCTANCE
TO HAVE CONGRESS SEE US RUN OUT RIGHT AWAY AND START EX-
TENDING MORE IMMUNITY THAN PROVIDED FOR IN THE GENERAL LAW,
AS WELL AS SOME RELUCTANCE TO START WITH THE SOVIETS. WE

WILL KEEP YOU INFORMED.

2. BACKGROUND TO NON-APPEAL OF VISA FOR SMIRNOVA, MEMBER OF DELEGATION UNDER S&T AGREEMENT (MOSCOW 3122 AND 2739) IS THAT CASE AROSE AT POINT WHEN WE ARE UNDER INTENSIFYING PRESSURES TO DENY ENTRIES OF "IDENTIFIED AGENTS". "RELIABLE" INFORMATION CLAIMS THAT SHE IS KGB, AND WE HAVE BEEN HOLDING UP A FORMAL RESPONSE TO YOUR CABLES IN ORDER TO GET MORE INFO IN WRITING FOR FURTHER EVALUATION. ALSO THIS IS BECOMING A SORT OF TEST CASE WHICH MAY HAVE TO AWAIT RESOLUTION OF MORE GENERAL PROBLEM. WE HAVE NOT EXPLICITLY DENIED A VISA FOR HER YET. SOVIETS OF COURSE RARELY GIVE US REASONS FOR VISA INACTION AND THERE DOES REMAIN A SPECIFIC OUTSTANDING CASE OF AN AMERICAN NAMED STERN REFUSED UNDER THE ATOMIC ENERGY AGREEMENT, ALTHOUGH WE WOULD NOT WANT TO LINK THE TWO CASES AT THIS POINT.

3. RE DR'S PRESS' TRAVEL FOR S&T JOINT COMMISSION MEETING, AMBASSADOR SUGGESTED TO HIM THAT DEFERRAL TO JULY WOULD BE HELPFUL IN SPREADING OUT HIGH-LEVEL VISITS (I.E. CALIFANO TENTATIVELY GOING AHEAD WITH JUNE). WITH RESPECT TO SHORTNESS OF VISIT, PRESS HAS SCHEDULING DIFFICULTIES AND MAY HAVE TO HOLD FIRM ON THREE DAYS. FORTH JCM WAS ITSELF SHORT AND STEVER STAYED ON ONLY FOR ACADEMY OF SCIENCES ANNIVERSARY CELEBRATION. ALSO PRESS HAS BEEN TO USSR BEFORE AND THIS WOULD BE REASON TO FOREGO STAY AFTER BUSINESS CONCLUDED. IN ANY CASE, BOTH CONSIDERATIONS HAVE CONFIDENTIAL

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BEEN FED INTO THE MILL AND WE SHOULD HAVE DR. PRESS' CONSIDERED VIEWS FOR A CABLE TOMORROW. IN THE MEANTIME HOLD OFF GOING TO THE SOVIETS. VANCE

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